



City of Mesquite, Texas

Minutes - Final City Council

Monday, November 4, 2019

4:45 PM

City Hall | Council Chamber
757 N. Galloway | Mesquite, Texas

Present: Mayor Stan Pickett and Councilmembers Tandy Boroughs, Robert Miklos, Greg Noschese, Bruce Archer, Jeff Casper, and Dan Aleman, City Manager Cliff Keheley and City Secretary Sonja Land.

PRE-MEETING - TRAINING ROOMS A&B - 4:45 P.M.

AGENDA REVIEW

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:48 P.M.

- 1 Receive quarterly report from the Police Department.

Charles Cato, Police Chief, presented the quarterly report for the Mesquite Police Department (MPD). He reviewed the beat districts and provided success stories in several districts. He reviewed the DWI arrests and the statistics for burglaries, robberies and the deployment unit. Chief Cato stated that the MPD takes all social media school threats very seriously. Each threat is thoroughly investigated and appropriate action is taken.

Councilmembers expressed appreciation to Chief Cato and the MPD for their dedication to our community.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:04 P.M.

INVOCATION

Will Klinke, Pastor, Seventh Day Adventist Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of the Mesquite Veterans Memorial Committee.

PRESENTATIONS

- 2 Presentation of donation to the Mesquite Veterans Memorial by Operation Forever Free.

Sean Terry, representing Centurion American, stated that Centurion American formed a nonprofit organization, Operation Forever Free, which builds new homes each year for veterans. Mr. Terry presented a \$15,000.00 donation to the Mesquite Veterans Memorial campaign. Mayor Pickett, along with Jackie Frazier, Lois Buford and Thomas Latham, representing the Heroes of Mesquite, accepted

the donation.

SPECIAL ANNOUNCEMENTS

(1) Mayor Pickett invited citizens to attend the Annual Veterans Day Celebration on Saturday, November 9, 2019, at 11:00 a.m., at City Lake Park which will include a groundbreaking ceremony for the new Mesquite Veterans Memorial. After the ceremony, citizens can enjoy a free concert and free lunch provided by the Mesquite Fire Corps volunteers.

(2) Mr. Boroughs encouraged citizens to participate in the "Mesquite Recycles Day" event on Saturday, November 9, 2019, from 8:00 a.m. to Noon, at Poteet High School. This free event is a great opportunity for citizens to dispose of recyclable materials.

(3) Mr. Noschese thanked the Parks and Recreation Department staff for their assistance in widening the gate entrance around the Georgia Kimball Elementary School tennis courts. This enabled an 11-year-old student to be able to enter the tennis courts in his wheelchair to play with his fifth grade classmates.

(4) Mr. Archer stated that the City was recently honored with two statewide awards by the Texas Downtown Association. The "Spirit of Downtown Award" was awarded for revitalization and development efforts and The Gathering at Corner Theatre won the statewide award for being the "Best Economic Game Changer."

(5) Mr. Noschese encouraged citizens to support the Mesquite Independent School District Education Foundation by participating in "The Amazing Santacolor 5K Run & Walk" on Saturday, November 9, 2019, at Town East Mall. Santa will arrive at the mall by helicopter to kick off the holiday season.

(6) Mr. Aleman stated that the Annual Christmas on the Square event will take place on Tuesday, December 3, 2019, from 6:00 p.m. to 8:00 p.m., in the Downtown Heritage Square. Events include the annual tree lighting, complimentary hot chocolate and cookies along with various children's activities.

(7) Mr. Casper reminded citizens that tomorrow is Election Day and encouraged everyone to take advantage of this opportunity to vote.

(8) Mr. Miklos stated that STAR Transit has launched the "STARNow" mobile app, which allows riders to book and pay for their same day trips in designated areas of Mesquite and Terrell. The City Council is proud to be supportive of this new transportation option for our citizens.

CITIZENS FORUM

(1) Bob Bishop, 2312 Warm Springs, expressed concerns regarding pharmaceuticals and violent crimes.

(2) Fernando Rojas, 2423 Lagoon Drive, expressed concerns regarding the homeless in Mesquite.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Miklos requested that Item Nos. 15-16 be removed from the Consent Agenda to be considered separately. Mr. Noschese moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Casper and approved unanimously.

- 3** Minutes of the special City Council meetings held October 14, 2019, and October 18, 2019, and the regular City Council meeting held October 21, 2019.

Approved on the Consent Agenda.

- 4** An ordinance, on second reading, granting to Oncor Electric Delivery Company,

LLC, its successors and assigns, the nonexclusive right to use and occupy rights-of-way within the City of Mesquite, Dallas County, Texas, for the construction and operation of an electric transmission and distribution system, prescribing conditions governing the use of the public rights-of-way, providing for compensation therefore, providing for an effective date and a term of said franchise, providing for written acceptance of this franchise, finding that the meetings at which this ordinance is passed are open to the public, and providing for severability.

Approved on the Consent Agenda.

AN ORDINANCE, ON SECOND READING, OF THE CITY OF MESQUITE, TEXAS, GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS SUCCESSORS AND ASSIGNS, THE NON-EXCLUSIVE RIGHT TO USE AND OCCUPY RIGHTS-OF-WAY WITHIN THE CITY OF MESQUITE FOR THE CONSTRUCTION AND OPERATION OF AN ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM; PRESCRIBING CONDITIONS GOVERNING THE USE OF THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR COMPENSATION THEREFORE; PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE; PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC; AND PROVIDING FOR SEVERABILITY.

- 5 An ordinance authorizing the issuance and sale of City of Mesquite, Texas, General Obligation Refunding Bonds, Series 2019 in the aggregate principal amount not to exceed \$29,100,000; levying a tax in payment thereof; prescribing the form of said bonds; approving execution and delivery of an escrow agreement and a purchase agreement; approving the official statement; awarding the sale thereof; and enacting other provisions relating thereto.

Approved on the Consent Agenda.

Ordinance No. 4730, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF MESQUITE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2019 IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$29,100,000; LEVYING A TAX IN PAYMENT THEREOF; PRESCRIBING THE FORM OF SAID BONDS; APPROVING EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT AND A PURCHASE AGREEMENT; APPROVING THE OFFICIAL STATEMENT; AWARDED THE SALE THEREOF; AND ENACTING OTHER PROVISIONS RELATING THERETO. (Ordinance No. 4730 recorded in Ordinance Book No. 118.)

- 6 An ordinance providing for the issuance of City of Mesquite, Texas, Waterworks and Sewer System Revenue Refunding Bonds, Series 2019A in the aggregate principal amount not to exceed \$9,500,000; approving an official statement; a purchase agreement and an escrow agreement; awarding the sale of the bonds; making provisions for the security thereof; providing an effective date; approving and enacting other provisions relating thereto.

Approved on the Consent Agenda.

Ordinance No. 4731, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ISSUANCE OF CITY OF MESQUITE, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2019A IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$9,500,000; APPROVING AN

OFFICIAL STATEMENT; A PURCHASE AGREEMENT AND AN ESCROW AGREEMENT; AWARDED THE SALE OF THE BONDS; MAKING PROVISIONS FOR THE SECURITY THEREOF; PROVIDING AN EFFECTIVE DATE; APPROVING AND ENACTING OTHER PROVISIONS. (Ordinance No. 4731 recorded in Ordinance Book No. 118.)

- 7 An ordinance establishing the classifications and total number of authorized positions in each classification of the Mesquite Fire Department.

Approved on the Consent Agenda.

Ordinance No. 4732, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ESTABLISHING THE CLASSIFICATIONS AND TOTAL NUMBER OF AUTHORIZED POSITIONS IN EACH CLASSIFICATION OF THE MESQUITE FIRE DEPARTMENT; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 4732 recorded in Ordinance Book No. 118.)

- 8 An ordinance establishing the classifications and total number of authorized positions in each classification of the Mesquite Police Department.

Approved on the Consent Agenda.

Ordinance No. 4733, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS ESTABLISHING THE CLASSIFICATIONS AND TOTAL NUMBER OF AUTHORIZED POSITIONS IN EACH CLASSIFICATION OF THE MESQUITE POLICE DEPARTMENT; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 4733 recorded in Ordinance Book No. 118.)

- 9 A resolution authorizing acceptance of the 2019 Homeland Security Grants and execution of the sub-recipient agreements with the Office of the Governor, Texas Homeland Security State Administrative Agency, in the amount of \$210,698.34 and authorizing the Emergency Management Coordinator as the authorized official to apply for, accept, reject, alter or terminate these grants on behalf of the City.

Approved on the Consent Agenda.

Resolution No. 73-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING ACCEPTANCE OF THE 2019 HOMELAND SECURITY GRANTS AND EXECUTION OF THE SUB-RECIPIENT AGREEMENTS WITH THE OFFICE OF THE GOVERNOR, TEXAS HOMELAND SECURITY STATE ADMINISTRATIVE AGENCY, IN THE AMOUNT OF \$210,698.34; AUTHORIZING THE EMERGENCY MANAGEMENT COORDINATOR AS THE AUTHORIZED OFFICIAL TO APPLY FOR, ACCEPT, REJECT, ALTER OR TERMINATE THESE. (Resolution No. 73-2019 recorded in Resolution Book No. 58.)

- 10 Bid No. 2020-017 - Purchase of a Transfer Truck.
(Staff recommends award to MHC Kenworth, in Dallas, Texas, through BuyBoard Contract No. 521-16, in the amount of \$151,068.00.)

Approved on the Consent Agenda.

- 11 Bid No. 2020-019 - Purchase of One 1500 GPM Pumper Truck.

(Staff recommends award to Spartan ERV, represented by Metro Fire Apparatus Specialists, Inc., through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program, in the amount of \$580,204.00.)

Approved on the Consent Agenda.

- 12 Authorize the Mayor and the Fire Chief to finalize and execute an Emergency Medical Services Provider License Declaration Form and all other applications and documents necessary or requested to renew the emergency medical services provider license for the City of Mesquite Fire Department and authorize the Fire Chief to take all actions as Administrator of Record in connection with such license.

Approved on the Consent Agenda.

- 13 Authorize the Mayor to execute an amendment to the employment agreement between the City of Mesquite, Texas, and City Manager Cliff Keheley.

Approved on the Consent Agenda.

- 14 Authorize the City Manager to finalize and execute Change Order No. 2 to Bid No. 2019-038, Stream Bank Stabilization and Bridge Replacement Project South Mesquite Creek, with Coppell Construction Company for payment of contract incentives and changes in construction scope in the amount of \$213,697.80.

Approved on the Consent Agenda.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

- 15 A resolution authorizing the City Manager to finalize and execute a Master Development Agreement with the Board of Directors of Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms), and Spradley Farms, LTD, regarding the development of approximately 652 acres of land generally located between FM 2757 and IH-20, and north of IH-20 east of FM 740 in Kaufman County, Texas, located within the corporate limits of the City of Mesquite, Texas, as a mixed use development consisting of residential and commercial components and other associated uses and being commonly referred to as "Spradley Farms"; authorizing the City Manager to take such actions and execute such documents as are necessary or advisable to consummate the transactions contemplated by the agreement and authorizing the City Manager to administer the agreement on behalf of the City.

Cliff Keheley, City Manager, stated that the Master Development Agreement with Spradley Farms includes a Municipal Management District (MMD) and Reinvestment Zone Number Thirteen and outlines the responsibilities of the City, the developer and the MMD.

John Jordan, representing The Nehemiah Company, explained that they complete public-private projects by using their equity to install the infrastructure at a higher standard. The builders then construct the houses and the houses are sold with the taxpayers knowing what their taxes will be at this level.

Councilmembers expressed their opinions regarding the proposed resolution.

Mr. Casper moved to approve Resolution No. 74-2019, with a participation rate of 70 percent, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE A MASTER DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MESQUITE, TEXAS, THE BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER THIRTEEN, CITY OF MESQUITE, TEXAS (SPRADLEY FARMS), AND SPRADLEY FARMS, LTD, REGARDING THE DEVELOPMENT OF APPROXIMATELY 652 ACRES OF LAND GENERALLY LOCATED BETWEEN FM 2757 AND IH-20 AND NORTH OF IH-20 EAST OF FM 740 IN KAUFMAN COUNTY, TEXAS, LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE, TEXAS, AS A MIXED USE PLANNED DEVELOPMENT CONSISTING OF RESIDENTIAL AND COMMERCIAL COMPONENTS AND OTHER ASSOCIATED USES AND BEING COMMONLY REFERRED TO AS "SPRADLEY FARMS"; AUTHORIZING THE CITY MANAGER TO TAKE SUCH ACTIONS AND EXECUTE SUCH DOCUMENTS AS ARE NECESSARY OR ADVISABLE TO CONSUMMATE THE TRANSACTIONS CONTEMPLATED BY THE AGREEMENT AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY; AND PROVIDING A SEVERABILITY CLAUSE. Motion was seconded by Mr. Noschese. On call for a vote on the motion, the following votes were cast:

Ayes: Casper, Noschese, Pickett, Boroughs
Nays: Archer, Aleman, Miklos

Motion carried. (Resolution No. 74-2019 recorded in Resolution Book No. 58.)

16

An ordinance approving a Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms) and making a finding regarding feasibility.

Mr. Noschese moved to approve Ordinance No. 4734, with a participation rate of 70 percent, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING A PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR REINVESTMENT ZONE NUMBER THIRTEEN, CITY OF MESQUITE, TEXAS (SPRADLEY FARMS); ESTABLISHING A TAX INCREMENT FOR THE ZONE; MAKING A FINDING REGARDING FEASIBILITY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Casper. On call for a vote on the motion, the following votes were cast:

Ayes: Noschese, Casper, Pickett, Boroughs
Nays: Archer, Aleman, Miklos

Motion carried. (Ordinance No. 4734 recorded in Ordinance Book No. 118.)

END OF CONSENT AGENDA

PUBLIC HEARINGS

17

Conduct a public hearing and consider an ordinance for Application No. Z0819-0106, submitted by Brian Wyatt of WRA Architects, Inc., for a change of zoning from Single-Family Residential to Single-Family Residential with a Conditional Use Permit allowing an elementary school located at 2701 Chisholm Trail.

(Two responses in favor and none in opposition to the application have been

received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval of the application.)

A public hearing was held for Application No. Z0819-0106.

Jeff Armstrong, Director of Planning and Development Services, stated that the Mesquite Independent School District proposes the construction of 11 new classrooms at the existing Cannaday Elementary School. The addition will eliminate 11 temporary classrooms from the campus and will not increase student capacity. An extended fire lane and parent drop off/pick up stacking lane around the perimeter of the school will be constructed to address pre-existing traffic issues.

No one appeared regarding the proposed amendment.

Mr. Archer moved to approve Application No. Z0819-0106, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4735, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CONDITIONAL USE PERMIT ON PROPERTY ZONED SINGLE-FAMILY RESIDENTIAL THEREBY ALLOWING AN ELEMENTARY SCHOOL LOCATED AT 2701 CHISHOLM TRAIL; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Noschese and approved unanimously. (Ordinance No. 4735 recorded in Ordinance Book No. 118.)

18

Conduct a public hearing and consider an ordinance for Application No. Z0919-0107, submitted by Brian Wyatt of WRA Architects, Inc., for a change of zoning from Single-Family Residential to Single-Family Residential with a Conditional Use Permit allowing a middle school located at 2100 Crest Park Drive.

(One response in favor and three in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval of the application.)

A public hearing was held for Application No. Z0919-0107.

Jeff Armstrong, Director of Planning and Development Services, stated that the Mesquite Independent School District (MISD) proposes the construction of an additional gymnasium at the existing Wilkinson Middle School that will also serve as a storm shelter. MISD has confirmed that the addition will not increase student capacity nor impact traffic in the area.

No one appeared regarding the proposed amendment.

Mr. Archer moved to approve Application No. Z0919-0107, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4736, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CONDITIONAL USE PERMIT ON PROPERTY ZONED SINGLE-FAMILY RESIDENTIAL THEREBY ALLOWING A MIDDLE SCHOOL LOCATED AT 2100 CREST PARK DRIVE; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Noschese and approved unanimously. (Ordinance No. 4736 recorded in Ordinance Book No. 118.)

- 19 Conduct a public hearing and consider an ordinance for Application No. Z0919-0108, submitted by Brian Wyatt of WRA Architects, Inc., for a change of zoning from Single-Family Residential to Single-Family Residential with a Conditional Use Permit allowing a middle school located at 2930 North Town East Boulevard.

(Two responses in favor and two in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval of the application.)

A public hearing was held for Application No. Z0919-0108.

Jeff Armstrong, Director of Planning and Development Services, stated that the Mesquite Independent School District (MISD) proposes the construction of additional parking and an additional gymnasium at the existing McDonald Middle School that will also serve as a storm shelter. MISD has confirmed that the addition will not increase student capacity nor impact traffic in the area.

No one appeared regarding the proposed amendment.

Mr. Archer moved to approve Application No. Z0919-0108, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4737, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CONDITIONAL USE PERMIT ON PROPERTY ZONED SINGLE-FAMILY RESIDENTIAL THEREBY ALLOWING A MIDDLE SCHOOL LOCATED AT 2930 NORTH TOWN EAST BOULEVARD; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Noschese and approved unanimously. (Ordinance No. 4737 recorded in Ordinance Book No. 118.)

- 20 Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2019-05 amending Chapter 5 of the City Code by repealing and deleting Article X to Chapter 5 titled "Historic Preservation"; amending the Mesquite Zoning Ordinance by repealing and reenacting Section 4-102 to be titled "Overlay Zoning Districts"; repealing and reenacting Section 4-400 to be titled "Mesquite Landmarks and Historic Preservation Overlay Districts Designations & Regulations"; repealing and reenacting Section 5-400 to be titled "Administrators and Review Bodies"; adding new Section 6-200 to be titled "Definitions for Historic Preservation and Landmarks"; adding a new Part 8 to be titled "City of Mesquite, Texas, Landmark Register of Historic Places."

(The Planning and Zoning Commission recommends approval of the proposed ordinance. This item was postponed at the October 21, 2019, City Council meeting.)

A public hearing was held for Zoning Text Amendment No. 2019-05.

Jeff Armstrong, Director of Planning and Development Services, stated that the proposed ordinance does not affect any particular area of Mesquite; it would only affect those areas designated as Landmarks or Historic Overlays through official City Council action at a future date. Mr. Armstrong clarified that this item is not the same as the Downtown Overlay item that would help regulate uses, parking, and other items in the downtown area. Meetings with property owners and

business owners will be held on the downtown overlay prior to the item going back to the Planning and Zoning Commission and City Council.

Melvin Shearer, 8286 Union Hill Road, Forney, expressed concerns regarding downtown development. No others appeared regarding the proposed amendment.

Mr. Archer moved to approve Zoning Text Amendment No. 2019-05, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4738, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE MESQUITE CITY CODE, AS PREVIOUSLY AMENDED, BY REPEALING AND DELETING ARTICLE X TO CHAPTER 5 TITLED "HISTORIC PRESERVATION"; AMENDING THE MESQUITE ZONING ORDINANCE, AS PREVIOUSLY AMENDED, BY REPEALING AND REENACTING SECTION 4-102 TO BE TITLED "OVERLAY ZONING DISTRICTS"; REPEALING AND REENACTING SECTION 4-400 TO BE TITLED "MESQUITE LANDMARKS (ML) AND HISTORIC PRESERVATION OVERLAY DISTRICTS (H-POD) DESIGNATIONS & REGULATIONS"; REPEALING AND REENACTING SECTION 5-400 TO BE TITLED "ADMINISTRATORS AND REVIEW BODIES"; ADDING NEW SECTION 6-200 TO BE TITLED "DEFINITIONS FOR HISTORIC PRESERVATION AND LANDMARKS"; ADDING A NEW PART 8 TO BE TITLED "CITY OF MESQUITE, TEXAS, LANDMARK REGISTER OF HISTORIC PLACES"; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 4738 recorded in Ordinance Book No. 118.)

21

Conduct a public hearing and consider a resolution approving an amendment to an economic development program agreement (Chapter 380 Agreement) between the City of Mesquite ("City") and Ashley Furniture Industries, Inc., ("Company") dated effective May 5, 2017; authorizing the City to quitclaim to the Company approximately 6.6575 acres of land ("Property") that traverses 3790 Faithon P. Lucas, Sr., Boulevard, Mesquite, Texas; approving an economic development grant to the Company in the amount of the purchase price of the Property to promote local economic development and stimulate business and commercial activity in the City; authorizing the City Manager to finalize and execute an amendment to the original agreement for such purposes; authorizing the City Manager to finalize and execute a quitclaim deed and all other documents necessary or advisable to complete the quitclaim of the Property to the Company; and authorizing the City Manager to finalize and execute the amendment and to take all actions necessary or advisable to complete the transactions contemplated by the amendment.

A public hearing was held to consider an amendment to a Chapter 380 agreement with Ashley Furniture Industries, Inc., for the transfer of real property at 3790 Faithon P. Lucas Sr., Boulevard.

Kim Buttram, Assistant Director of Economic Development, stated that Ashley Furniture purchased a 358-acre site at 3790 Faithon P. Lucas Sr., Boulevard in 2017 in order to construct an 877,000-square-foot distribution facility. A 6.6575-acre tract, known as the Texas Interurban Railway tract, bi-sects the 358-acre site and is appraised at \$106,520.00 value. The proposed amendment provides an additional incentive grant in the amount of \$106,520.00 to be used for the sole purpose of purchasing 6.6575 acres of the 7.01-acre tract of the former

Interurban Railway tract from the City of Mesquite in order for Ashley to achieve sole ownership of the 358-acre site, less the balance of a 0.3525-acre portion retained by the City for right of way. Ashley Furniture is obligated to close on the land transaction by December 1, 2019, and is to accept the property in "as is" condition from the City.

No one appeared regarding the proposed amendment to the Chapter 380 agreement.

Mr. Aleman moved to approve Resolution No. 75-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING AN AMENDMENT TO AN ECONOMIC DEVELOPMENT PROGRAM AGREEMENT (CHAPTER 380 AGREEMENT) BETWEEN THE CITY OF MESQUITE ("CITY") AND ASHLEY FURNITURE INDUSTRIES, INC. ("COMPANY"), DATED EFFECTIVE MAY 5, 2017 ("ORIGINAL AGREEMENT"); AUTHORIZING THE CITY TO QUITCLAIM TO THE COMPANY APPROXIMATELY 6.6575 ACRES OF LAND ("PROPERTY") THAT TRAVERSES 3790 FAITHON P. LUCAS, SR., BOULEVARD, MESQUITE, TEXAS; APPROVING AN ECONOMIC DEVELOPMENT GRANT TO THE COMPANY IN THE AMOUNT OF THE PURCHASE PRICE OF THE PROPERTY TO PROMOTE LOCAL ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY; AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE AN AMENDMENT TO THE ORIGINAL AGREEMENT FOR SUCH PURPOSES (THE "AMENDMENT"); AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE A QUITCLAIM DEED AND ALL OTHER DOCUMENTS NECESSARY OR ADVISABLE TO COMPLETE THE QUITCLAIM OF THE PROPERTY TO THE COMPANY; AND AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE THE AMENDMENT AND TO TAKE ALL ACTIONS NECESSARY OR ADVISABLE TO COMPLETE THE TRANSACTIONS CONTEMPLATED BY THE AMENDMENT. Motion was seconded by Mr. Archer and approved unanimously. (Resolution No. 75-2019 recorded in Resolution Book No. 58.)

22

Conduct a public hearing and consider a resolution approving the terms and conditions of a program to promote local economic development and stimulate business and commercial activity in the City, authorizing the City Manager to finalize and execute an Economic Development Program Agreement (Chapter 380 Agreement) for such purposes with CH Realty VIII-Urban Logistics I Dallas Urban District 30, L.P., for the development of a new master planned industrial business park consisting of five industrial buildings on approximately 80 acres of real property located within the City of Mesquite, Texas, and being commonly known as 1201 Republic Parkway, 1650 Republic Parkway and 1200 Interstate Highway 30, Mesquite, Texas, and authorizing the City Manager to administer the agreement on behalf of the City.

Mr. Noschese left the meeting.

A public hearing was held to consider a Chapter 380 agreement with CH Realty VIII-Urban Logistics I Dallas Urban District 30, L.P., for the development of a new mater planned industrial business park located at 1201 Republic Parkway, 1650 Republic Parkway and 1200 Interstate Highway 30.

David Witcher, Director of Economic Development, stated that the applicant proposes to construct five industrial buildings totaling 979,700 square feet on approximately 80 acres of vacant land with a \$3.6 million land value, near the intersection of IH-30, IH-635 and Republic Parkway. The company will own and

lease the properties to multiple commercial tenants and agrees to a \$71 million capital investment. The project will provide an estimated 500 to 900 new employment opportunities. The developer's obligation includes the commencement of vertical construction by July 1, 2021, and a completion date of January 1, 2023. Minimum valuation by the Dallas Central Appraisal District is required to meet or exceed \$45 million upon completion. The City's obligation includes reimbursement of permit fees not to exceed \$300,000.00 and a grant for the construction of Republic Parkway and Columbia Parkway not to exceed \$600,000.00.

Jason Nunley, representing Urban Logistics Realty, expressed appreciation to City staff for their assistance in developing the plans for this project.

No one appeared regarding the proposed Chapter 380 agreement.

Mr. Boroughs moved to approve Resolution No. 76-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A PROGRAM TO PROMOTE LOCAL ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY OF MESQUITE; AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE AN ECONOMIC DEVELOPMENT PROGRAM AGREEMENT (CHAPTER 380 AGREEMENT) FOR SUCH PURPOSES WITH CH REALTY VIII-URBAN LOGISTICS I DALLAS URBAN DISTRICT 30, L.P., FOR THE DEVELOPMENT OF A NEW MASTER PLANNED INDUSTRIAL BUSINESS PARK CONSISTING OF FIVE (5) INDUSTRIAL BUILDINGS ON APPROXIMATELY EIGHTY (80) ACRES OF REAL PROPERTY LOCATED WITHIN THE CITY OF MESQUITE, TEXAS AND BEING COMMONLY KNOWN AS 1201 REPUBLIC PARKWAY, 1650 REPUBLIC PARKWAY AND 1200 INTERSTATE HIGHWAY 30, MESQUITE, TEXAS; AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Aleman. On call for a vote on the motion, the following votes were cast:

Ayes: Boroughs, Aleman, Pickett, Archer, Casper, Miklos

Nays: None

Abstentions: Noschese

Motion carried. (Resolution No. 76-2019 recorded in Resolution Book No. 58.)

23

Conduct a public hearing and consider an ordinance for Application No. Z0819-0104, submitted by John Jordan of The Nehemiah Company, for a change of zoning from Agricultural to Planned Development District to allow the construction of a commercial and residential development on property generally located between FM 2757 and IH-20 and north of IH-20 east of FM 740.

(No responses in favor or in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval of the application with certain stipulations. This item was postponed at the October 21, 2019, City Council meeting.)

Mr. Noschese entered the meeting.

A public hearing was held to consider Application No. Z0819-0104.

Jeff Armstrong, Director of Planning and Development Services, stated that the

applicant proposes a master-planned community for the development of approximately 2,500 single-family homes, a commercial tract and a mixed-use tract along IH-20. Mr. Armstrong reviewed the four zoning districts established in the Planned Development: Town Center, Residential, Civic and Open Space as well as the permitted uses, dimensional standards, parking and lighting standards, and street assemblies.

John Jordan, representing The Nehemiah Company, stated that they have placed the design standards in the Master Development Agreement, deed restrictions of each property and the covenants of the Homeowner's Association.

Mr. Casper moved to approve Application No. Z0819-0104, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4739, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM AGRICULTURAL TO PLANNED DEVELOPMENT (PD) DISTRICT ON TWO TRACTS OF LAND CONSTITUTING APPROXIMATELY 622 ACRES SITUATED IN THE MARTHA MUSICK SURVEY, ABSTRACT NO. 312, KAUFMAN COUNTY, TEXAS, AND BEING TRACTS ONE AND TWO OF THE THREE TRACTS OF LAND DESCRIBED IN DEED TO SPRADLEY/FORNEY DEVELOPMENT, LTD., AS RECORDED IN VOLUME 1915, PAGE 215, DEED RECORDS, KAUFMAN COUNTY, TEXAS; THEREBY ALLOWING THE CONSTRUCTION OF A COMMERCIAL AND RESIDENTIAL DEVELOPMENT; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00 FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 4739 recorded in Ordinance Book No. 118.)

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 24 Consider appointment of three regular members and one alternate to the Parks and Recreation Advisory Board and Tree Board for terms to expire October 21, 2021.

Mr. Miklos moved to appoint Susan Erickson as a regular member to the Parks and Recreation Advisory Board and Tree Board and to change the appointment of Nichol Surratt and Fred Poe from alternate members to regular members, all for terms to expire October 21, 2021, and to appoint Debbie Coolidge as an alternate member for a term to expire October 21, 2020. Motion was seconded by Mr. Noschese and approved unanimously.

ADJOURNMENT

Mr. Boroughs moved to adjourn the meeting. Motion was seconded by Mr. Aleman and approved unanimously. The meeting adjourned at 9:20 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Stan Pickett, Mayor